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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLISTON INVESTMENT GROUP, LLC,
Plaintiff,

vs.

JPMORGAN CHASE BANK NATIONAL
ASSOCIATION; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; MTC FINANCIAL, INC.;
FEDERAL HOME LOAN MORTGAGE
CORPORATION; ROBERT WAKEFIELD;
DOES I through X; and ROE
CORPORATIONS I through X,

Defendants,

and

FEDERAL HOUSING FINANCE AGENCY,
Intervenor.

Case No. 2:14-cv-02038-GMN-PAL

**AMENDED STIPULATION TO
DISMISS REMAINING CLAIMS**

JPMORGAN CHASE BANK NATIONAL
ASSOCIATION; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; and FEDERAL HOME
LOAN MORTGAGE CORPORATION;

Counter-claimants,

vs.

WILLISTON INVESTMENT GROUP,
LLC and DESERT LINN
CONDOMINIUMS,

Counter-defendants.

FEDERAL HOUSING FINANCE
AGENCY,

Counter-claimant,

vs.

WILLISTON INVESTMENT GROUP,
LLC and DESERT LINN
CONDOMINIUMS,

Counter-defendants.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Williston Investment Group, LLC (“Williston”); JPMorgan Chase Bank N.A. (“Chase”); Mortgage Electronic Registration Systems, Inc. (“MERS”); the Federal Home Loan Mortgage Corporation (“Freddie Mac”); MTC Financial, Inc. (“MTC”); the Desert Linn Condominiums (“HOA”); and the Federal Housing Finance Agency, as Conservator for Freddie Mac (“FHFA”) (collectively, the “Stipulating Parties”) stipulate as follows:

1. This is a quiet title action involving the residential property at 1519 Lake Placid Terrace, Henderson, Nevada 89014 (the “Property”).

2. On July 12, 2005, Robert Wakefield obtained a loan for \$153,000 (the “Loan”) from Washington Mutual Bank, FA. The Loan was evidenced by a Note and secured by a Deed of Trust recorded against the Property on July 18, 2005.

3. On or about August 23, 2005, Freddie Mac purchased the Loan, including the Note and Deed of Trust.

1 4. On March 15, 2013, the HOA conducted a foreclosure sale of the
2 Property. Williston was the highest bidder at the sale.

3 5. On June 16, 2014, a formal assignment of the Deed of Trust to Freddie
4 Mac was executed. The assignment was later recorded on July 15, 2014.

5 6. On July 11, 2014, MTC conducted a trustee's sale under the Deed of
6 Trust. Freddie Mac was the highest bidder at the sale.

7 7. Williston initiated this case on October 21, 2014 by filing a complaint in
8 the Eighth Judicial District Court of Nevada. ECF No. 1-1. The complaint included
9 the following claims:

- 10 a. Wrongful foreclosure against Chase and MTC;
11 b. Declaratory relief/quiet title against Chase, MERS, MTC, Freddie
12 Mac, and Wakefield;
13 c. Slander of title against Chase, MTC, and Freddie Mac; and
14 d. Injunctive relief against Freddie Mac.

15 8. The case was removed to this Court on December 4, 2014. ECF No. 1.

16 9. On December 22, 2014, Chase, MERS, and Freddie Mac filed the
17 following counterclaims (ECF No. 13):

- 18 a. Declaratory relief against Williston and the HOA;
19 b. Quiet title against Williston; and
20 c. Unjust enrichment claim against Williston.

21 10. On February 9, 2015, after intervening as a defendant, FHFA filed the
22 following counterclaims (ECF No. 41):

- 23 a. Declaratory judgment against Williston and the HOA; and
24 b. Quiet title against Williston.

25 11. On February 25, 2015, FHFA and Freddie Mac filed a motion for
26 summary judgment arguing that (1) 12 U.S.C. § 4617(j)(3) preempts any Nevada law
27 that would otherwise permit an HOA foreclosure sale to extinguish a property
28 interest of Freddie Mac while it is under FHFA's conservatorship; and (2) the HOA

1 foreclosure sale did not extinguish Freddie Mac's interest in the Property, and thus
2 Williston took an interest in the Property, if any, that was subject to Freddie Mac's
3 Deed of Trust. ECF No. 44. On May 7, 2015, Chase and MERS filed a joinder to the
4 motion. ECF No. 58. On July 13, 2015, the Court granted the motion, holding that
5 Freddie Mac's Deed of Trust survived the HOA foreclosure sale. ECF No. 75.

6 12. The Court's order effectively entered summary judgment in favor of
7 FHFA, Freddie Mac, Chase, and MERS on their claims for declaratory relief and quiet
8 title. The order also effectively entered summary judgment against Williston on its
9 claim for quiet title.

10 13. The Court's order did not explicitly resolve Williston's claims for
11 wrongful foreclosure, slander of title, and injunctive relief. It also did not explicitly
12 resolve the claims of Freddie Mac, Chase, and MERS for unjust enrichment.

13 14. Because Williston wished to file an immediate appeal of the Court's
14 summary judgment ruling, and because the outcome of the remaining claims would
15 largely depend on the outcome of the appeal, the parties stipulated to entry of a final
16 judgment with respect to their quiet title and declaratory relief claims. ECF No. 96.

17 15. The Ninth Circuit has now affirmed this Court's order holding that
18 Freddie Mac's Deed of Trust survived the HOA foreclosure sale. ECF No. 107.

19 16. As a result, Williston's claims for wrongful foreclosure, slander of title,
20 and injunctive relief necessarily fail because they were premised on the argument
21 that Freddie Mac's Deed of Trust was extinguished.

22 17. Further, the alternative claim of Freddie Mac, Chase, and MERS for
23 unjust enrichment is now moot because this claim would only be raised if the Court
24 held that Freddie Mac's Deed of Trust was extinguished.

25 18. Accordingly, the Stipulating Parties agree that these claims should be
26 dismissed.

27 19. The requested dismissal will resolve all remaining claims and will result
28 in a final judgment.

20. Because defendant Robert Wakefield has not appeared, his consent to the requested dismissal is not required.

21. Each of the Stipulating Parties will bear its own fees and costs.

Dated: January 2, 2018.

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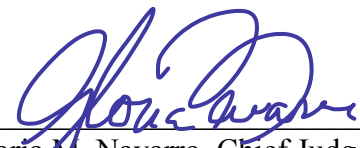
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ORDER

IT IS HEREBY ORDERED that the Stipulation to Dismiss Remaining Claims, (ECF Nos. 113, 115), is **GRANTED**.

DATED this 3 day of January, 2019.



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT